

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**THOMAS R. FERRETTI,**  
**Plaintiff,**

**v.**

**RYAN EMRICK, *et al.*,**  
**Defendants.**

:  
:  
:  
:  
:  
:  
:

**CIVIL ACTION NO. 24-CV-2865**

**ORDER**

**AND NOW**, this 3rd day of December, 2024, upon consideration of Plaintiff Thomas R. Ferretti's Amended Complaint (ECF No. 12), and additional Motion to Proceed *In Forma Pauperis* (ECF No. 13) it is **ORDERED** that:

1. The additional Motion to Proceed *In Forma Pauperis* is **DENIED** because Ferretti has already been granted this relief.
2. The Clerk of Court is **DIRECTED** to add the City of Coplay, Lehigh County, the Commonwealth of Pennsylvania, Coplay Officer Wayne Green and Coplay Ex-Chief of Police Vincent Genovese as Defendants because they are named in the Amended Complaint.
3. For the reasons stated in the Court's Memorandum all claims other than Ferretti's Eighth Amendment individual capacity claims based on being sexually assaulted by Defendants Ryan Emrick and Vincent Genovese, and his individual capacity claim under the Fair Credit Reporting Act against Defendant Emrick are **DISMISSED WITH PREJUDICE**.
4. The Clerk of Court is **DIRECTED** to terminate as Defendants the City of Coplay, Lehigh County, the Commonwealth of Pennsylvania, and Wayne Green.

5. The case shall proceed at this time to service by the U.S. Marshal Service, in accordance with 28 U.S.C. § 1915(d) and Federal Rule of Civil Procedure 4(c)(3), against the following Defendants:

- a. Ryan Emrick,
- b. Vincent Genovese.

6. In anticipation of service by the U.S. Marshal Service, the Clerk of Court is **DIRECTED** to send a copy of this Order to Ferretti together with one copy of the U.S. Marshal Service of Process Receipt and Return Form USM-285 (“USM-285 Form”) for each Defendant listed in paragraph five (5) of this Order.<sup>1</sup> The Clerk of Court is further **DIRECTED** to note the mailing on the docket.

7. To proceed with service, Ferretti must complete a USM-285 Form for each Defendant listed in paragraph five (5) and return the completed form(s) to the Clerk’s Office within **twenty-one (21) days** of the date of this Order. Service cannot be made by the U.S. Marshal Service until Ferretti completes and returns these forms.

8. In completing the USM-285 Form(s), Ferretti is instructed as follows:
- a. Ferretti should complete a separate USM-285 Form for each Defendant listed in paragraph five (5) of this Order. Only one Defendant’s name should appear on each USM-285 Form.
  - b. Ferretti shall not complete a USM-285 Form for any individual or entity that is not listed as a Defendant in paragraph five (5) of this Order, including but not limited to any Defendant who already has been dismissed from this case.

---

<sup>1</sup> This form is available online at [https://www.usmarshals.gov/sites/default/files/media/document/usm-285\\_process-receipt.pdf](https://www.usmarshals.gov/sites/default/files/media/document/usm-285_process-receipt.pdf).

- c. Ferretti should include as much identifying information as possible for each Defendant, including the Defendant's first name, last name, and, where relevant, the Defendant's badge number.
- d. Ferretti must provide each Defendant's complete address at a location where that Defendant can be served. The U.S. Marshals Service cannot serve a Defendant at a P.O. Box address. It is Ferretti's responsibility, and not the duty of the Court, the Clerk's Office, or the Marshals Service, to ascertain the addresses of the Defendants. *See, e.g., Meade v. Reynolds*, 810 F. App'x 86, 88 (3d Cir. 2020) (*per curiam*) ("[T]he plaintiff must provide the district court with sufficient information to enable the Marshals Service to effectuate service of process." (citing *Lee v. Armontrout*, 991 F.2d 487, 489 (8th Cir. 1993)); *Harris v. McMullen*, 609 F. App'x 704, 707 (3d Cir. 2015) (*per curiam*) ("Harris has not pointed to any authority instructing that a District Court or the USMS must engage in extraordinary measures to assist an [*in forma pauperis*] litigant in locating a defendant's address for the purpose of service of process, and we are not aware of any.")).
- e. Failure to include a proper address may result in the Defendant not being served and/or the dismissal of Ferretti's claims against any such Defendant.

9. Ferretti is cautioned that failure to return the completed USM-285 Form(s) in accordance with the above instructions may result in dismissal of this case for failure to prosecute without further notice from the Court.

10. The Clerk of Court is **DIRECTED** to docket any USM-285 Forms that Ferretti returns in this case.

11. The Clerk of Court is **DIRECTED** not to issue summonses at this time. The Court will direct issuance of summonses upon receipt of properly completed USM-285 Forms.

**BY THE COURT:**

/s/ John Milton Younge  
**JOHN MILTON YOUNGE, J.**